

### **REMARKS**

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended in accordance with the specification at page 5, lines 28-29.

With respect to the anticipation rejection over Nicks et al., U.S. Patent 3,985,700. In the first Office Action the Examiner had not rejected claim 7 over Nicks. Applicants then followed with an amendment incorporating the subject matter of claim 7 into claim 1, noting that the amendment renders rejection moot, since claim 7 had not been rejected by the Examiner over Nicks. In the following Final Office Action, however, the Examiner reversed her position and argued that the subject matter of incorporated claim 7 is inherent within the examples 7-9 of Nicks. Applicants respectfully disagree. The Examiner has not pointed out how examples 7-9 of Nicks rendered the instant amended claim 1 inherently anticipated. For the inherency anticipation, the Examiner must prove that the prior art teaching necessarily and always results in applicants' invention. In any event, the present amendment removes the claims even further from the Nicks teachings. Consequently, it is respectfully requested that the rejection over Nicks be reconsidered and withdrawn.

Applicants also respectfully traverse the rejection over Kud in view of Kothrade. US Patent 4,846,994 (Kud) discloses a detergent composition containing synthetic fibres graft polymers by grafting a) polyalkylene oxides which have a molecular weight of from 300 to 100,000 and are based on ethylene oxide, propylene oxide and/or butylene oxide, with at least one vinyl ester derived from a saturated monocarboxylic acid containing 3 to 6 C atoms. Kud does not disclose a graft copolymer having a number average molecular weight of at least 10,000 comprising cationically chargeable or charged side chains containing a tertiary or quaternary

nitrogen atom. By contrast, the graft copolymer presently claimed provides a soil release benefit from cotton. That is, it deposits on the cotton thereby making the cotton garment easier to clean in subsequent wash cycles. See the examples at pages 22 and 23 of the application.

Kud teaches that in order to be used as antiredeposition agent, claim 1 column 7 line 47, that is in order to stop soil which has already been released into the wash liquor from redepositing onto the fabric a polymer as defined by Kud will effect this antiredeposition process see column 5, line 25 to 30. There is no teaching in Kud that such a polymer as defined in Kud would want to be deposited or even could be deposited on the fabric to provide soil release effects.

Likewise, US Patent 6,075,107 (Kothrade) is completely silent on the issue of soil release. Therefore, the teaching of Kud is not readily applicable to Kothrade as they are seeking to solve different problems. Kothrade is seeking to provide solubilisers/stabilisers for water insoluble active ingredients. Also the polymers in Kothrade are not grafts which could provide a soil release effect.

Thus, Kud, alone or in combination with Kothrade provides no pointer or incentive to the present invention. It is not seen how one of ordinary skill in the art, who has not had the benefit of hindsight afforded by the present disclosure, would have been led to combine Kud with Kothrade by picking a single teaching of cationic copolymers out of Kothrade. There are erratically different problems addressed by the two patents and the fact that Kothrade polymers are not even grafts and despite total absence of any teaching of soil release of any polymers in either Kud or Kothrade.

Thus, with regard to the rejection over Kud in light of Kothrade, applicants' position continues to be that there is no *prima facie* case of obviousness made out by the Examiner. There must be motivation to combine the references. Numerous

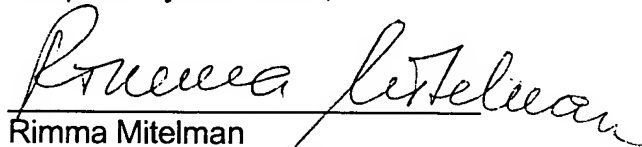
patents exist reciting co-polymer compositions; that alone does not give an incentive to pluck out two references and combine them in such a manner as to obtain applicants' inventive compositions.

Furthermore, even if the *prima facie* case were made out, the Examiner has not responded to the applicants argument of the evidence of unexpected results in applicants' specification, particularly at pages 22 and 23 of this specification. Furthermore, in light of the present amendment, even if the references were combined, the mole percent content of the cationically charged unit in the polymer does not appear to be taught by the combination of the references.

In light of the above amendments and remarks, it is respectfully requested that the rejections be withdrawn and the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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